

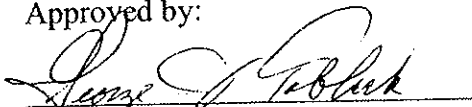
# ***Mahoning County Conveyance Standards and Procedures***

## ***Governing Conveyances of Real Property in Mahoning County***

These Conveyance Standards and Procedures are subject to change as determined by the Mahoning County Auditor and Mahoning County Engineer. The Conveyance Standards will not be changed without public notice and two public hearings regarding the change.

Effective Date: **January 1, 1999**

Approved by:

  
George J. Tablack  
Mahoning County Auditor

Date: November 23, 1998

  
Richard Marsico  
Mahoning County Engineer

Date: 11/23/98

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## Conveyances with Existing Metes and Bounds Descriptions

This section contains the requirements for conveyances of property that use metes and bounds descriptions that are already on record in the Mahoning County Recorder's Office.

1. All existing metes and bounds descriptions of record will be checked by the Mahoning County Engineer's Tax Map Office to approve the description, verify ownership, and identify the parcel number to be conveyed. **Submit all metes and bounds descriptions to the County Engineer's Tax Map Office for review a minimum of two working days prior to the desired recording date.**
2. Any existing metes and bounds descriptions of record will be checked for closure within current state standards. If the description fails to close within current state standards, the description will be stamped, "Next Transfer Will Require a New Survey," and the conveyance will be put to record.
3. Property with a metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be described to reflect its new corporate location within the instrument of conveyance.
4. Whenever a description encompasses two or more taxing districts, a breakdown of the total area in each district must be recited within the description.
5. Each tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description.
6. The conveyance of all or any portion of railroad right-of-way must be conveyed with a new boundary survey, a new legal description and a survey drawing which must satisfy the requirements of Chapter 4733-37 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio (see page 22) and the Mahoning County Conveyance Standards. Railroad right-of-ways and Steel Mill property will **NOT** be transferred without a new survey.
7. All deeds which transfer percentage interest of property owned by more than one person must be submitted with the names of all who own a percentage in the property, before it is transferred. This must also state the owners' percentage in the property. See page 20 for the form.

## Conveyances with New Metes and Bounds Descriptions

All conveyances using new metes and bounds descriptions, not previously recorded, must incorporate the following requirements:

1. Must be checked by the Mahoning County Engineer's Tax Map Office to approve the description, verify ownership, and identify the parcel number to be conveyed. **Submit all metes and bounds descriptions to the County Engineer's Tax Map Office for review a minimum of two working days prior to the desired recording date.**
2. Must denote state, county, and township or municipality in which the property is located as well as the section, tract or out lot number.
3. Must recite previous deed reference.
4. Must be referenced to an established point of beginning, such as county or state monuments at intersections of streets or roads of record, or sections, quarter sections, great lots or tract corners.
5. Must be prepared by a Registered Surveyor in accordance with Chapter 4733-37 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.
6. Must recite the name and Ohio registration number of the surveyor.
7. Must recite the date the survey was completed.
8. Must include a statement indicating that the description was prepared from an actual field survey. Legal descriptions prepared from existing records will be not be accepted.
9. Must show measurements in U.S. Survey Foot. When metric units are shown, the English equivalent must be shown. State whether original measurements were in English or in Metric. The preferred conversion of the Mahoning County Engineer's Office is 3.28083333 feet per meter. {Example: 100 feet (30.480 meters)}
10. Must not have parcel numbers placed in deeds.
11. Must state the total acreage figure accurate to the nearest thousandth and show what acreage is located in the road right-of-way.
12. Must recite within the description a breakdown of the total area in each district whenever a description encompasses two or more taxing districts.

In addition to the requirements as set forth above, all new metes and bounds descriptions must incorporate the principals and minimum standards of good surveying, engineering and draftsmanship as defined by Sections 4733-37 thru 4733-37-07 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

## Conveyances for Recorded Lots

The following are requirements for conveyances of Recorded Lots. **The descriptions of portions of Recorded Lots must be checked by the Engineer's Tax Map Office.**

1. The conveyance instrument must contain the following:
  - state, county, and township or municipality in which the parcel is situated
  - previous deed reference
  - name of preparer
2. A recorded or city lot shall be described by its lot number, the name of the subdivision and the volume and page as recorded in the Mahoning County Recorder's Office (where available) as required by Ohio Revised Code Section 711.01.
3. No recorded lot may be split without a replat approved by the appropriate planning commission, except when a Village, City, County or State, for purposes of right-of-way, takes strips of land adjoining existing right-of-ways.
  - a) All right-of-way takes must be surveyed with accurate dimensions and acreage figures
  - b) The split for a right-of-way must also be submitted at least two days prior to the day desired to place it to record.
  - c) In a case where the dimensions do not match existing records, a survey will be required of the right-of-way take and of the lot from where it was split.
  - d) A platted lot which has had a split taken for right-of-way purposes may be transferred only if the right-of-way portion is described by a survey in the description.
4. Any portion of a recorded lot which was split prior to the creation of the Mahoning County Conveyance Standards, must have an adequate description for the portion being conveyed. An adequate description for part of a platted lot would be "the westerly 10 feet of Lot 112 in the City of Youngstown." The 10 feet must be between parallel lines. Any portion of a recorded lot that can not be described as above must be in metes and bounds in accordance with OAC 4733-37-06 (B) found on page 24 in this booklet.
5. All conveyances that clear up titles should accompany the plat or replat when the plat or replat goes to record. If the conveyances are not accompanying the plat or replat, a letter will be sent to the owners involved in the split or plat notifying them this should be done.
6. All conveyances which transfer percentage interest of property owned by more than one person must be submitted with the names of all who own a percentage in the property, before it is transferred. This must also state the owners' percentage in the property.

## **Miscellaneous Conveyances by Specific Topics:**

### **Certificate of Transfer**

Whenever a conveyance described in acreage is a Certificate of Transfer **and** the Certificate of Transfer conveys property from one family member to another family member **and** the description does not meet the requirements located in the Mahoning County Conveyance Standards, the County Engineer's Tax Map Office will stamp the conveyance, "**For Probate Only**" and the transfer will occur. The conveyance will also be stamped, "**Next Transfer Will Require a New Survey.**" In the case where there is a married couple, and one passes away and gives his or her interest in property to the other, the deed will be stamped, "For Probate Only." When the other party passes away, the deed will be stamped, "For Probate Only" and "Next Transfer Will Require a New Survey." A family member is defined as a blood relative or a person who is married to a blood relative. This includes fathers, mothers, sons, daughters, in-laws, nieces, nephews, aunts, uncles, cousins, etc. Please note that subsequent transfers including Certificates of Transfer, except for the above described situation, will require a new survey even if the transfer is to another family member. If the Certificate of Transfer conveys property to a grantee that is not a family member and the description does not meet the Mahoning County Conveyance Standards requirements, the transfer will be stamped, "Next Transfer Will Require a New Survey," and the transfer will occur.

### **Condominiums (See Standard Order of Procedures for condominiums)**

A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration, as required by Ohio Revised Code Section 5311.10.

All new condominium declarations and amendments to existing condominium declarations must be submitted to the Mahoning County Auditor's Office a minimum of three working days prior to the desired recording date.

New units must have finished foundations before being put to record.

### **Geographic Information Systems (GIS)**

Upon implementation of the Geographic Information System in Mahoning County these Conveyance Standards and Procedures will be revised.

### **Illegible Writing**

No document will be accepted in which the document or attachment to it is illegible as determined by the County Auditor or County Engineer.

## **Inadequate Description**

A legal description may be deemed inadequate by the County Engineer's Tax Map Office if any of the following exist:

1. the metes and bounds description is presented in chains and links
2. the point of beginning is not accurate and understandable
3. the conveyance lists more than three exceptions of property
4. the acreage exceptions are not in metes and bounds descriptions
5. the previous deed description to record does not match the existing tax maps
6. a description is without dimensions
7. a reference to property ownership that has not been updated
8. the parcel is not owned by the grantor when a split, plat or replat is involved
9. a description that contains scribner errors, omissions or other obvious mistakes.

If a description is deemed inadequate, it will be stamped, "Next Transfer Will Require a New Survey," and the conveyance will be put to record.

## **Land Contracts**

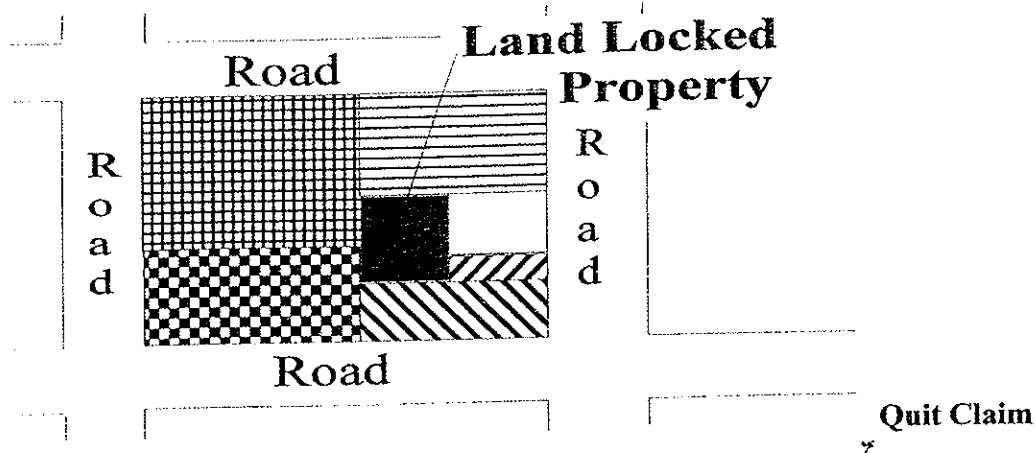
Land contracts shall be routed through the Mahoning County Engineer's Tax Map Office for review to comply with Section 4733-37-06 of the Ohio Administrative Code. Should the legal description of an existing parcel be deemed inadequate then a new boundary survey, a new legal description and a survey drawing will be required at the time of transfer of title, which shall satisfy the requirements of the Mahoning County Conveyance Standards. Land Contracts can not split a platted lot or create a parcel of property less than 5 acres. It is the responsibility of the grantor and the grantee to pre-check all land contract descriptions in the Mahoning County Engineer's Tax Map Office.

## **Land Locked Property**

*Definition:* Land locked property is property that has no access to a right-of-way without traveling over a property line created on the Mahoning County tax maps from a previous split. The land locked property may have an easement to a right-of-way or the land locked property may even be adjacent to property owned by the same person that has access to a right-of-way, but the parcel once created can be sold as an independent piece of property.

See picture on next page.

The Mahoning County Auditor's Office and Mahoning County Engineer's Office highly discourage the creating of Land Locked Property. Land Locked Property will not be created without the proper Planning Commission approval.



Quit Claim conveyances that have descriptions in acreage will be treated no different than a Warranty conveyance. The description will need to be approved by the County Engineer's Tax Map Office before a transfer occurs.

### **Railroads**

The conveyance of any portion of railroad right-of-way shall require a new boundary survey, a new legal description and a survey drawing which must satisfy the requirements of Section 4733-37 of the Ohio Administrative Code and the Mahoning County Conveyance Standards.

### **Sheriff Sales**

In the case of a Sheriff Sale conveyance where the acreage description is deemed not accurate by the County Engineer's Tax Map Office, the conveyance will be stamped, **"Next Transfer Will Require a New Survey."** If in the next attempt to transfer the property with the old description, the County Engineer's Tax Map Office will deny the description and the transfer.

### **Steel Mills**

The conveyance of any portion of former or current steel mill property will require a new boundary survey, a new legal description and a survey drawing which must satisfy the requirements of Section 4733-37 of the Ohio Administrative Code and the Mahoning County Conveyance Standards.

### **Survey Consolidation**

In order to combine adjacent property and to eliminate land locked property, the following procedure has been created. This will enable the taxpayer to receive one tax bill and enable the Mahoning County Engineer's Tax Map to eliminate lines on the tax map.



This can be done in one of two ways.

1. Survey the property and place it on a plat or replat.
2. Survey the property. Then take the new survey description and survey map to the Mahoning County Engineer's Tax Map Office for approval. Then record the new survey and the survey map that shows where the boundaries used to be prior to the consolidation. The new survey description would be put to record in the Mahoning County Recorder's deed book (example of this would be a Quit-Claim Deed with the new survey description) and the survey map would be put to record in the Mahoning County Recorder's Plat book.

The survey map must contain:

- all previous deed references
- found & set monuments
- all old boundary lines (dashed lines)
- all new boundary lines (solid, thick lines)
- the surveyor's name and Registration number
- date the survey was done
- the acreage figure broken down
  - Right-of-Way
  - Acreage
  - Total Acreage
- Mahoning County Engineer's Tax Map Stamp

#### **SURVEY CONSOLIDATIONS INVOLVING TWO OR MORE TAXING DISTRICTS WILL NOT BE ACCEPTED.**

For taxing purposes, the year the new survey and survey map go to record is the tax year that is goes into effect. For example, if the new survey and survey map go to recored on June 30, 1998 then it would go into effect for Tax Year 1998.

#### **Vacation of Dedicated Roads, Streets and Alleys**

Vacated roads, streets and alleys will be taxed on the adjacent parcel.

#### **Variances to Standards**

If a subject arises that does not fit into any category discussed within these standards, then a formal request for a variance must be submitted to the Mahoning County Auditor and the Mahoning County Engineer a minimum of 5 working days prior to the day desired to place them to record. See page 19 for the Request for a Variance Form.

**Standard Order of Procedures**  
for acreage deeds, splits, plats and replats  
(Effective January 1, 1999)

1. Submit proper items to the appropriate Planning Commission (Plats and Replats).

<u>Township/Municipality</u>	<u>Planning Authority Approval</u>	<u>Phone -(330)</u>
Beloit Village	Beloit Village Planning P.O. Box 276 17893 5th St. Beloit, Ohio 44609	no phone
Canfield City	Canfield City Planning	533-1101
Campbell City	Campbell City Planning	755-1451
Sebring City	Sebring City Planning	938-9340
Struthers City	Struthers City Planning	755-2181
Village of Columbiana	Columbiana Village Planning	482-2173
Village of Craig Beach	Craig Beach Planning	654-2107
Village of Lowellville	Lowellville Planning	536-6415
Village of Poland	Poland Village Planning	757-2112
Youngstown City	Youngstown City Planning Comm.	742-8842
All Others	Mahoning County Planning Comm.	270-2890

2. Submit proper items to the Mahoning County Engineer's Tax Map Office located in the basement of the Mahoning County Courthouse, 120 Market St., Youngstown, Ohio 44503. See Exhibit A for proper items. If property is on CAUV (farm bill) refer to the Checklist for proper items to be submitted to the Mahoning County Auditor's Office CAUV appraiser.
3. Acquire all parent parcel numbers pertaining to the acreage deeds, splits, plats and replats when the conveyance document is dropped off at the Mahoning County Engineer's Tax Map Office.
4. Pick up a Checklist from the Mahoning County Auditor's Office or Engineer's Tax Map Office or Planning Commissions' Office.
5. If it is approved by the Mahoning County Engineer's Tax Map Office, pick up the deed, plat or replat, complete the Checklist and submit all items to the Mahoning County Auditor's Office between the hours of 8 AM and 3:30 PM. If it is denied by the Mahoning County Engineer's Tax Map Office, you will be contacted with the reason for denial and how it can be corrected. (Please do not fail to put phone number on the Control Form. See page 15.)
6. In the Mahoning County Auditor's Office, give the deed, plat or replat to the counter clerk. The counter clerk will check to determine if taxes are paid. If paid, the counter clerk will proceed with the conveyance process. This takes time and depends on the quantity of work involved. The process is a first come first serve basis. The counter clerk will enter the conveyance into the computer for the future year. Please note with a split, plat or replat: property placed on record this year does not go into effect until the next tax year and does not have taxes collected on it until the following calendar year. For example, if a split, plat or replat goes to record on January 12, 1998, it will not go into effect until Tax Year 99

(which begins 1/1/99) which is collected in Calendar Year 2000. If the conveyance is a full transfer, the grantee will not become official owner (for tax purposes) until January 1 of the following year. For example, if the property is conveyed on March 1, 1997, the grantee will become official owner (for tax purposes) on January 1, 1998. After the counter clerk puts the deed, split, plat or replat into the computer, you will pay your fees: Transfer Fee of \$.50 per parcel transferred, Conveyance Fee of \$1.00 per \$1000 and \$.10 per \$100 of the purchase price, and Permissive Tax of \$3.00 per \$1000 of the purchase price (**as of March 31, 1998**). Then you will turn in the appropriate papers (exempt or conveyance form and the 2 ½ rollback, if applicable).

7. Take the documents to the Mahoning County Recorder's Office to be put to record. **THE TRANSACTION IS NOT COMPLETE UNTIL YOU RECORD YOUR DOCUMENTS.** See Checklist for fees.

**Checklist**  
**(Effective January 1, 1999)**

**The following items should be checked by the submitter of the deed, split, plat or replat.**

You will need to acquire a parcel number in order to check some of the following items. *(Please obtain all parcel numbers pertaining to the deed, split, plat or replat from the Mahoning County Engineer's Tax Map Office when it is dropped off for preapproval.)*

The following items may be checked on the public computers located in the Mahoning County Auditor's, Treasurer's or Recorder's Offices in the Mahoning County Courthouse, 120 Market St., Youngstown, Ohio.

- \_\_\_\_\_ 1. **Taxes** - Current taxes must be paid on parcels involved in a split, plat or replat. It is recommended that the full year's taxes be paid in order to avoid questions and disputes at a later time. If there is a delinquency, the full year's taxes plus delinquency with penalty and interest amount must be paid prior to the recording of a split, plat or replat. Full year's taxes must be paid even if the parcel is on a payment plan.
  
- \_\_\_\_\_ 2. **CAUV (Calculated Agriculture Usage Value) or Farm Bill** - If the property being sold, split, platted or replatted is on CAUV and is not going to continue to be farmed, recoupage (tax savings for preceding three years) must be figured by the Mahoning County Auditor's Office CAUV appraiser. ***Figuring this amount takes time.*** It is determined by the soil types being sold. If it is going to continue to be farmed, see the CAUV appraiser for an application and fees. In either case, please submit the following to the Mahoning County Auditor's Office after the deed, split, plat or replat is submitted to the Mahoning County Engineer's Tax Map Office for preapproval:
  - \_\_\_\_\_ A. Parcel number of property being sold or the original parcel number prior to the split, plat or replat.
  
  - \_\_\_\_\_ B. The survey drawing of property being split.
  
  - \_\_\_\_\_ C. A copy of the deed that will be going to record, if applicable.
  
  - \_\_\_\_\_ D. The location of all buildings must be shown on the drawing of the survey.

Information about the following can be obtained in the Real Estate Department of the Mahoning County Auditor's Office which is located on the first floor of the Mahoning County Courthouse or by phone (330) 740-2010.

**All fees and taxes as of January 1, 1999**

1.      **Mahoning County Auditor's Fees**

Transfer Fee of \$.50 per parcel transferred

Conveyance Fee of \$1.00 per \$1,000 and \$.10 per \$100 of the purchase price

Permissive Tax of \$3.00 per \$1,000 of the purchase price

2.      **Forms** - Proper forms must be filled out:

A.      The 2 ½ % Rollback - If you own and live in the home, you are eligible to receive the 2 ½ % Rollback. You may only receive the 2 ½ % Rollback on one piece of property.

B.      Exempt or Conveyance form filled out.

Information about the following can be obtained in the Mahoning County Recorder's Office which is located on the first floor of the Mahoning County Courthouse or by phone (330) 740-2345.

**Mahoning County Recorder's Fees** - There is also a fee to record all deeds, plats and replats in the Mahoning County Recorder's Office. The Secretary of State sets the fees for the Mahoning County Recorder's Office.

Deed      -      \$14.00 for the first two pages (a page is considered one side of the document) and \$4.00 for each additional page.

Plat      -      With dimensions of 11" x 17" or smaller is \$20.00

Replat   -      With dimensions of 11" x 17" or smaller is \$20.00 plus \$2.00 for each reference that needs to be made to prior plats.

-      If the plat or replat is larger than 11" x 17", the cost is:

\$20.00 or Length in inches x Width in inches x \$.05

The cost will be the higher of the two.

Plus for replats, \$2.00 for each reference that needs to be made to prior plats.

**\*Fees on Survey Maps are the same as Plats and Replats.**

***Exhibit A***  
**Items to be Submitted**

All acreage deeds, splits greater than 5 acres, plats and replats must be submitted to the Mahoning County Engineer's Tax Map Office for approval a minimum of 2 working days prior to the day desired to place them to record. The Mahoning County Engineer's Tax Map Office located in the basement of the Mahoning County Courthouse, 120 Market Street, Youngstown, OH 44503 is open for business Monday through Friday, 8 AM to 4:30 PM.

Depending on the complexity of the submittal, the approval time may be longer for railroads, steel mills, etc.

Items to be submitted to the Mahoning County Engineer's Tax Map Office: 7

A. For existing metes and bounds descriptions:

1. A copy of the most recent deed put to record describing the property in question.
2. The deed that will be going to record.
3. A completed "Control Form" with contact name, address and telephone number where the contact person can be reached (see attached).

B. For new metes and bounds descriptions:

1. \*A copy of the written survey.
2. \*A copy of the drawing of the survey prepared by a Registered Surveyor.
3. The location of all buildings must be shown on a copy of the drawing of the survey.
4. The deed that will be going to record.
5. A completed "Control Form" with contact name, address and telephone number where the contact person can be reached (see attached).
6. A copy of the most recent deed put to record describing the property in question.
7. A copy of the closure calculations.

\* Please note that the copy of the new written survey and the drawing of the survey will be kept by the Mahoning County Engineer's Tax Map Office and will become public record.

C. For plats and replats

1. Mylar that has appropriate planning approval.
2. A completed "Control Form" with contact name, address and telephone number where the contact person can be reached (see attached).
3. A copy of the most recent deed put to record describing the property in question.
4. A copy of the survey drawing indicating approximate building locations should also be provided for the Auditor's Office.

✓

✓

**Mahoning County Engineer's  
Tax Map Office  
Control Form**

Date: \_\_\_\_\_

Deed      Plat  
(circle one)

Replat

Split

Contact Person:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone number where contact person can be reached:

\_\_\_\_\_

Do you know where the buildings are located?      Yes      No  
If yes, provide a map showing where the buildings are located.  
If no, you must obtain a site survey of the location of the buildings.

Is this on Farm Bill?      Yes      No  
If yes, see the CAUV appraiser in the Mahoning County Auditor's Office.

Date of pick up: \_\_\_\_\_



**Standard Order of Procedures**  
for new condominium declarations and amendments to existing declarations

All new condominium declarations and amendments to existing declarations must be submitted to the Mahoning County Auditor's Office located on the first floor of the Mahoning County Courthouse located at 120 Market Street, Youngstown, OH 44503 for approval a minimum of 3 working days prior to the day desired to place them to record. The Mahoning County Auditor's Office is open for business Monday thru Friday, 8:00 AM to 5:00 PM.

Items to be submitted to the Mahoning County Auditor's Office:

1. A copy of the new declaration or amendment that will be kept on file in the Mahoning County Auditor's Office. \*
2. Mylar drawing of the site plan that contains the condo name and phase going to record. This must also show the location of the new units being put to record with their unit designations.
3. A filled out Mahoning County Auditor's Office Real Estate AUD 077 form (see attached). This may be picked up at the Real Estate counter in the Mahoning County Auditor's Office.

\* All units that are being submitted must have, at least, the foundation of the unit complete before that phase will go to record.

MAHONING COUNTY AUDITOR  
Selected Contents of Condominium Declarations & Amendments

This form is to accompany the Auditor's copy of Condominium Declaration or Amendment.  
 The representative will be notified when the land assessor has completed the field inspection.

Proper name of condominium(ORC 5311.05B2) \_\_\_\_\_

Name of Representative \_\_\_\_\_

Phone Number \_\_\_\_\_ Date \_\_\_\_\_

From the condominium declaration, provide the page number (s) which contain the following information: \_\_\_\_\_

Page (s)	ITEM
_____	Notary Seal (ORC 5311.05A)
_____	Legal description (ORC 5311.05B1)
_____	Building/Unit designations for identification (ORC 5311.05B5)
_____	Unit areas (ORC 5311.05B5)
_____	Percentages of interest appertaining to each unit for the common areas and facilities (ORC 5311.05B6)
_____	Description, location and dimensions of areas such as garages (ORC 5311.05 and .07)
_____	Within declaration, copy of drawings which will be submitted with the declaration to the Recorder (ORC 5311.07)

Will any of the units with the same square footage be offered at different values? If so, to the nearest thousand dollars, for what approximate values will the various units be offered? (ORC 5713.17)

Example:      Bldg. 1 Unit 1 \$75,000                      Bldg. 1 Unit 3 \$70,000

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **Definitions**

**Boundary Survey** - A legal description and/or map of measured boundaries of real property surveyed by a registered surveyor.

**Building Site** - A parcel of land that is suitable to establish a building unit.

**Plat** - A map or drawing on which the developer's plan or subdivision is presented to the appropriate planning commission for approval.

**Replat** - A map or drawing on which a change is made to an existing recorded plat. The map or drawing must be presented to the appropriate planning commission for approval.

### Request for a Variance Form

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Please describe and state reason for variance-\_\_\_\_\_

1

**Office Use Only:**

**Date received** \_\_\_\_\_ **Approved** \_\_\_\_\_ **Not Approved** \_\_\_\_\_

**Engineer** \_\_\_\_\_ **Auditor** \_\_\_\_\_

Reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Percent Interest in Property**

<u>Owner's Name</u> <u>(Last Name First)</u>	<u>% Interest</u>	<u>Acquired Ownership</u> <u>Date</u>	<u>Vol./Page</u>
1. _____			
2. _____			
3. _____			
4. _____			
5. _____			7
6. _____			7
7. _____			
8. _____			
9. _____			

**Total Interest = 100%**

***Ohio Revised Code***

***Section 315.251 Boundary survey plat and description***

(A) If a deed conveying title to real property is presented to the county auditor for transfer, and the deed contains a legal description for land that is a cut-up or split of the grantor's one or more existing parcels of land as shown in the county auditor's records, or if the legal description of the land conveyed in the deed is different from the legal description shown in the prior deed to the grantor, a boundary survey plat in conformity with the new description shall be submitted with the deed. The survey plat and description shall satisfy the minimum standards for boundary surveys promulgated by the board of registration for professional engineers and surveyors pursuant to Chapter 4733. of the Ohio Revised Code. If, in the opinion of the county engineer, the survey plat and description satisfy those standards, the county auditor shall accept the deed for transfer and a copy of the survey plat shall be filed in the county engineer's survey file for public inspection.

This section applies only if the requirements of this section are included in the standards governing conveyances of real property in the county adopted under section 319.203 of the Revised Code.

(B) Beginning on the effective date of this amendment, in the counties where the county engineer elects to engage in the private practice of engineering or surveying under division (B) of section 325.14 of the Revised Code the county auditor of that county shall designate another engineer who is registered under Chapter 4733. of the Revised Code and who is employed in the same county engineer's office to perform the duty of the county engineer under division (A) of this section or to exercise or perform any authority or duty of the county engineer under section 319.203 of the Revised Code if the county engineer reasonably believes that the performance of that duty or exercise of that authority by the county engineer would constitute a violation of Chapter 102. of the Revised Code or any other similar civil or criminal statute. Pursuant to this authorization, the designee engineer shall act in the place of the county engineer. Neither the county engineer nor the designee engineer shall discuss any matter reasonably related to this authorization. Any act in compliance with this section is not a violation of Chapter 102. of the Revised Code or any other similar statute.

Division (B) of this section applies only to a county engineer holding office on the effective date of this amendment during such time as the person continues to serve that term or an immediately consecutive term of office as a county engineer.

***Section 319.203 County auditor and county engineer to adopt standards governing real property conveyances***

Subject to division (B) of section 315.251 of the Revised Code, the county auditor and the county engineer of each county, by written agreement, shall adopt standards governing conveyances of real property in the county. These standards may include the requirements specified in section 315.251 of the Revised Code. The county auditor and county engineer may modify those standards from time to time as they consider necessary or desirable. The standards shall be adopted or modified only after the county auditor and county engineer have held two public hearings, not less than ten days apart, concerning adoption or modification of the standards. The standards shall be available for public inspection during normal business hours at

the offices of the county auditor and county engineer.

Before the county auditor transfers any conveyance of real property presented to the auditor under Section 319.20 or 315.251 of the Revised Code, the county auditor shall review the conveyance to determine whether it complies with the standards adopted under this section. The county auditor shall not transfer any conveyance that does not comply with those standards.

### ***Chapter 4733-37 Minimum Standards for Boundary Surveys***

#### **4733-37-01 Preamble**

These rules are intended to be the basis for all surveys relating to the establishment or retracement of property boundaries in the state of Ohio. Abridgements of one or more provisions herein shall be clearly indicated on plats and/or legal descriptions and reports. Where local or other prescribed regulations exist which are more restrictive than these rules, the survey shall conform to all local and state regulatory rules. When a client desires only a portion of his property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these rules shall apply to the survey of only the desired portion.

#### **4733-37-02 Research and Investigation**

- (A) When the deed description of the subject property and the deed descriptions of adjoining properties do not resolve the unique locations of the corners and lines of the property being surveyed, the surveyor shall consult other sources of information in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed. These sources include, but are not limited to: records of previous surveys, deed descriptions of adjacent properties, records of adjacent highways, railroads and public utility lines; also include subdivision plats, tax maps, topographic maps, aerial photographs, and other sources as may be appropriate.
- (B) After all necessary written documents have been analyzed, the survey shall be based on a field investigation of the property. The surveyor shall make a thorough search for physical monuments, analyze evidence of occupation and confer with the owner(s) of the property being surveyed. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and take statements.

#### **4733-37-03 Monumentation**

- (A) When necessary in accordance with the accepted surveying practice and legal requirements the surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.
- (B) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary

monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description which may be written for the property.

- (C) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:
  - (1) Be composed of a durable material.
  - (2) Have a minimum length of thirty inches.
  - (3) Have a minimum cross-section area of material of 0.2 square inches.
  - (4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.
  - (5) Be detectable with conventional instruments for finding ferrous or magnetic objects.
- (D) When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument nor a reference monument can be conveniently or practicably set in accordance with paragraph (C) of this rule, then alternative monumentation, which is essentially as durable and identifiable (e.g., chiseled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

#### 4733-37-04 Measurement specifications

All measurements shall be made in accord with the following specifications:

- (A) The surveyor shall keep his equipment in such repair and adjustment as to conform to the requirements stipulated by the director of agriculture in sections 1327.46 to 1327.99 of the Revised Code. The specifications, tolerances, and regulations published in the "National Bureau of Standards Handbook 44" shall be the specifications, tolerances and regulations for commercial weighing and measuring devices of the state.
- (B) Every measurement of distance shall be made either directly or indirectly in such a manner that the linear error in the distance between any two points (not necessarily adjacent points) shall not exceed the reported distance divided by five thousand (allowable linear error = reported distance divided by five thousand) and every angular measurement shall be made in such a manner that the allowable (directional) error, in radians, shall not exceed the allowable linear error divided by the reported distance (allowable (directional) error = allowable linear error divided by reported distance). When the reported distance is less than one hundred feet, the linear error shall not exceed 0.02 feet. The reported distance is the distance established by the survey.
- (C) In all new deed descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.

#### 4733-37-05 Plat of survey

- (A) The surveyor shall prepare a scale drawing of every survey in which he retraces



previously established property lines or establishes new boundaries.

- (B) A copy of this drawing shall be given to the client. When required, another copy shall be filed with the proper agency.
- (C) The surveyor shall include the following details:
  - (1) A title such that the general location of the survey can be identified.
  - (2) A north arrow with a clear statement as to the basis of the reference direction used.
  - (3) The control station(s) or line cited in the deed description and the relationship of the property to this control.
  - (4) A notation at each corner of the property stating that the boundary monument specified in the deed description was found, or that a boundary monument was set. In addition, there shall be a statement describing the material, size, position and condition of every monument found and/or set.
  - (5) A general notation describing the evidence of occupation that may be found along every boundary line and/or occupation line.
  - (6) The length and direction of each line as specified in the deed description of the property or as determined in the actual survey if this differs from what is stated in the deed description by more than the tolerance specified in paragraph (B) of rule 4733-37-04 of the Administrative Code.
  - (7) A citation of pertinent documents and sources of data used as a basis for carrying out the work.
  - (8) The written and graphical scale of the drawing.
  - (9) The date of the survey.
  - (10) The surveyor's printed name and Ohio registration number, signature and seal (in a form which may clearly reproduce on any copies which may be made of the original drawing).

#### 4733-37-06 Descriptions

- (A) When a surveyor is called upon to prepare a new description, either to replace an existing description which is inadequate or to create a new piece of property, said description shall include the following items:
  - (1) Sufficient caption so that the property can be adequately identified.
  - (2) A relationship between the property in question and clearly defined control station(s).
  - (3) The basis of the bearings.
  - (4) A citation to the public record of the appropriate prior deed(s).
  - (5) The surveyors name, Ohio registration number and date of writing and/or survey.
- (B) A metes and bounds description shall include, in addition to paragraph (A) of this rule:
  - (1) A description of the boundary monument used as the initial point of the description.
  - (2) A series of calls for successive lines bounding the parcel, each of which specifies:
    - (a) The intent in regards to adjoiners or other existing features.
    - (b) The direction of the line relative to the direction of the basis of bearing.

- (c) The length of the line.
  - (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.
  - (e) Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
  - (f) The reported boundary data shall meet the closure requirements of paragraph (C) of rule 4733-037-04 of the Administrative Code.
- (3) The area of the parcel.
- (C) Descriptions other than the metes and bounds form shall include sufficient and adequate legal and technical wording so that the property can be definitely located and defined.
  - (D) A statement shall appear indicating that either: the description was made in accordance with a recent survey and the date thereof, or the description was made based on a previous survey, of a certain date, and date of description, or the description was not based on a survey.
  - (E) When the surveyor knows a new description is to be used for a fee transfer, the surveyor shall base the description on a current or updated survey of the property.

#### 4733-37-07 Subdivision plats

When a subdivision is created from a piece of property, or several adjoining pieces, the surveyor shall prepare a scale drawing showing all of the details specified in rule 4733-37-05 of the Administrative Code. In addition, the drawing will show all of the details of each new lot, street, easement, etc., including the length and direction of each new line. Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.